



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

AUG 09 2017

Susan M. Whitney
Beneficiary of the KEK Realty Trust
45 Forrester Street
Newburyport, MA 01950

Superfund Records Center

SITE: Wells G+H

BREAK: 11.9

OTHER: 622301

Re: Wells G&H Superfund Site, Operable Unit 4, Southwest Properties, Woburn,
Massachusetts
Proposed Property Lien, 256 Salem Street, Woburn, Massachusetts

Dear Ms. Whitney:

This letter informs you that the United States Environmental Protection Agency ("EPA") intends to perfect a lien upon property located at 256 Salem Street, Woburn, Massachusetts (the "Property"). The property is part of Operable Unit 4 (OU4) of the Wells G&H Superfund Site in Woburn, Massachusetts (the "Site"). The legal description of the Property is set forth in Enclosure 1. EPA's authority to perfect this lien arises under Section 107 (1) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(1), commonly known as "Superfund."

EPA has determined that a release or threat of release of hazardous substances pursuant to Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), has occurred at or from the Property. EPA has incurred response costs to abate the release or threat of release of hazardous substances at the Property. Hazardous substances in soil and sediments at the Property include, but are not limited to, volatile organic compounds including benzene; vinyl chloride, 1,1-dichloroethane, carbon tetrachloride, ethyl benzene, xylenes (total), tetrachloroethene and trichloroethene, polychlorinated biphenyls ("PCBs"), and numerous metals (antimony, arsenic, cadmium, chromium VI, cobalt, copper, iron, lead, manganese and mercury, thallium and vanadium). Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9601(9), persons liable for EPA's response costs include persons who own any "facility" including a site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise came to be located.

EPA has determined that John E. Whitney, III and Susan M. Whitney own the Property.¹ As owners of the Property, under Section 107(a), 42 U.S.C. § 9607(a), you are liable to the United

¹ The current deed and City of Woburn Tax Assessor records list KEK Realty Trust, Ruth Whitney Trustee, as the owner of the Property. However, Ruth Whitney, the Grantor and Trustee or the KEK Realty Trust is deceased. Pursuant to the KEK Realty Trust Declaration of Trust, the trust would terminate and the assets of the trust would be



States for all costs incurred at the Property. On June 2, 2014, EPA notified KEK Realty Trust, John E. Whitney, III and Susan M. Whitney by certified mail of their potential liability under CERCLA. The lien is intended to secure payment to the United States of costs and damages incurred by EPA while responding to the release or threat of release of hazardous substances at the Property. You may avoid the perfection of a lien upon the Property by paying all costs and damages for which the property owner is liable.

EPA has a reasonable basis to believe that the statutory elements for perfecting this lien are satisfied. A Lien Filing Record consisting of documents relating to its decision to perfect the lien has been assembled and may be reviewed and/or copied by arrangement with Heather Thompson, at the address listed below:

Heather Thompson, Paralegal
U.S. Environmental Protection Agency
Office of Environmental Stewardship
5 Post Office Square (OES04-4)
Boston, MA 02109-3912
(617) 918-1320

After fourteen (14) calendar days from the date you receive this letter, EPA intends to transmit a notice of lien to the Middlesex County South Registry of Deeds, to perfect the lien upon the Property. A lien arising in favor of the United States on the Property continues until the liability for costs is satisfied or until the liability for costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113, 42 U.S.C. § 9613.

You may notify EPA in writing within fourteen (14) calendar days of the receipt of this letter if you believe EPA's information or determination is in error. You should describe in your letter reasons for believing that EPA does not have a reasonable basis to perfect the lien, include documents or information supporting your contentions, and send it to the EPA attorney listed below.

You may also request an opportunity to appear before a neutral EPA official to present information indicating that EPA does not have a reasonable basis to perfect the lien. Submissions or requests for an opportunity to appear before a neutral EPA official should: (1) be in writing within fourteen (14) calendar days from the receipt of this letter; (2) include documents or information supporting your contentions; (3) reference Operable Unit 4 (Southwest Properties) of the Wells G&H Superfund Site; and (4) be sent to the EPA attorney at the following address:

Susan Scott, Senior Enforcement Counsel
U.S. Environmental Protection Agency
Office of Environmental Stewardship
5 Post Office Square (OES04-4)
Boston, MA 02109-3912
(617) 918-1778

distributed to the trust beneficiaries upon the death of one of the Grantors and/or the death of the currently serving Trustee. John E. Whitney, III and Susan M. Whitney are the listed beneficiaries in the Declaration of Trust.

If EPA receives a written submission from you within fourteen (14) calendar days from the date you receive this letter, EPA staff will review your submission. If, after review and consultation, EPA agrees that the Agency does not have a reasonable basis upon which to perfect a lien, EPA will not proceed to perfect the lien, and will notify you in writing. If however, EPA determines that there is a reasonable basis to proceed, the information you submitted, along with the Lien Filing Record, will be referred to a neutral EPA official for review or a meeting.

If you have requested an opportunity to appear before a neutral EPA official, an informal meeting will be scheduled. You may choose to attend this meeting in person or via teleconference. EPA will be represented by its enforcement staff, including the case attorney. You may be represented by counsel at this meeting. At the meeting, you may provide information as to why the EPA's determination requires reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue to be addressed at the meeting is whether EPA has a reasonable basis to perfect its lien under Section 107(1) of CERCLA, 42 U.S.C. § 9607(1).

After review of the written information you submitted, and/or a meeting if one is requested, the neutral EPA official will issue a recommended decision. The decision will be forwarded to the EPA official with the authority to execute this lien. You will be provided with written notification of EPA's action and furnished a copy of the recommended decision. Except as provided by Section 113(h) of CERCLA, 42 U.S.C. § 9613(h), you may not obtain judicial review or reconsideration of EPA's decision.

Finally, in the event that you do not submit information or request a meeting, neither you nor EPA is prohibited from asserting any claims or defenses in the future as a result of the recommended decision.

If you have any questions pertaining to this letter please contact Susan Scott, Senior Enforcement Counsel, at (617) 918-1778.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Olson', followed by a long horizontal line extending to the right.

Bryan Olson, Director
Office of Site Remediation & Restoration

Enclosure

cc: James Konaxis, Director, S & J Property Management, 5 Peters Drive, Stoneham, MA .
02180
Susan Scott, Senior Enforcement Counsel
Joseph LeMay, Remedial Project Manager
Heather Thompson, Paralegal
EPA Region I Superfund Records and Information Center

I, Ruth J. Whitney

of Boxford, Essex

County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of One dollar (\$1.00)

grant to Ruth J. Whitney as Trustee of KEK Realty Trust u/d/t dated *
March 24, 1988 and recorded immediately prior hereto.

of Boxford, Essex County, Massachusetts

with quitclaim covenants

the land in Woburn.

(Description and encumbrances, if any)

Beginning at a point in the north side line of Salem Street at land of C.E. Quinn et al, thence the line runs in a westerly direction on and by said north side of Salem Street a distance of 245.95 feet to a point at land of Van Keuren, thence the line turns and runs in a northerly direction on and by land of said Van Keuren and land formerly on Hugh Quinn a distance of 237.85 feet to a stake at land of Anna and Frank Quinn, thence the line turns and runs in a north-easterly direction on and by land of said Anna and Frank Quinn a distance of 52.30 feet to a stake in an old post, thence the line turns and runs in a northerly direction still by land of Anna and Frank Quinn and over a sewer easement to the City of Woburn and across a brook a distance of 352.20 feet to a stake at land of C.E. Quinn et al, thence turning the line runs in an easterly direction on and by land of C.E. Quinn, et al, a distance of 69.90 feet to a stake, thence the line runs a little more easterly still by land of said Quinn et al a distance of 111.25 feet to a stone bound, of said Quinn et al over a brook across aforesaid sewer easement to the City of Woburn, a distance of 275.86 feet, to a stake at an angle, thence the line runs more southeasterly still by land of Quinn et al a distance of 275.88 feet to a point of beginning.

Containing 116,300 square feet more or less.

Said grant subject to an easement to the City of Woburn, as shown on a Plan of Land, Woburn, Massachusetts, surveyed for Daniel J. Quinn by George W. Olsen, Woburn Massachusetts, September 5, 1950.

All shown on Plan of Land, Woburn, Massachusetts, surveyed for Daniel Quinn by George W. Olsen, Woburn, Massachusetts, dated September 5, 1950, recorded in Middlesex South District Deeds, Book 7678, Page 482.

For my title see deed dated July 20, 1978 and recorded in Middlesex South District Deeds, Book 13510, Page 055.

Witness my hand and seal this 24th day of February, 1988

Ruth J. Whitney
RUTH J. WHITNEY

The Commonwealth of Massachusetts

Middlesex

ss.

Feb 24

1988

Then personally appeared the above named Ruth J. Whitney

and acknowledged the foregoing instrument to be her free act and deed before me

Notary Public — Justice of the Peace

My commission expires

8/5 1988

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

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City, State

Susan M. Whitney
Beneficiary of the KEK Realty Trust
45 Forrester St.
Newburyport, MA 01950

7016 1370 0001 3309 9394

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- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
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Susan M. Whitney
Beneficiary of the KEK Realty Trust
45 Forrester St.
Newburyport, MA 01950



9590 9402 2555 6306 1226 34

2. Article Number (Transfer from service label)

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X

☐ Agent

☐ Addressee

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S&J Property Management
5 Peters Drive
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 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
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James Konaxis, Director
S&J Property Management
5 Peters Drive
Stoneham, MA 02180



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2. (Transfer from service label)

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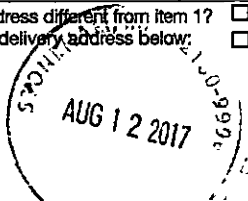
A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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